

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

IN RE: LOCAL RULES

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G.O. 05-12

FILED

GENERAL ORDER

JUN 22 2005

Phil Lombardi, Clerk
U.S. DISTRICT COURT

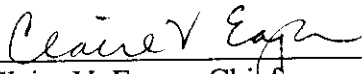
Local Rule 81.3 is hereby vacated in its entirety and replaced by the following rule:

LCvR81.3 Removal-Jurisdictional Amount.

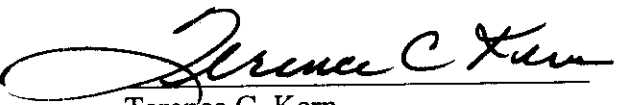
- (a) Where one or more defendants seek to remove an action from state court based upon diversity of citizenship, and where the face of the state court petition does not contain an express damages clause as to at least one claim asserted by at least one plaintiff, in an amount exceeding \$75,000 (exclusive of interest and costs), the notice of removal shall include either:
- (1) A particularized statement of facts upon which the jurisdictional amount is based set forth in accordance with applicable law; or
 - (2) With respect to at least one plaintiff in the state court action, either a response by such plaintiff to an interrogatory or interrogatories as to the amount in controversy or an admission by such plaintiff in response to a request for admissions. In either case, that plaintiff's response must state unequivocally that the damages actually sought by the plaintiff exceed \$75,000.
- (b) The receipt by the removing defendant or defendants of the response by a plaintiff or of the admission by a plaintiff referred to in paragraph (a)(2) shall constitute the receipt of a "paper from which it may first be ascertained that the case is one which is or has become removable" within the meaning of 28 U.S.C. § 1446(b). Where the defendant or defendants do not include the statement required by paragraph (a)(1) of this rule, or do not comply with one of the alternatives described in paragraph (a)(2) of this rule, the action will be subject to remand to the state court for failure to establish a basis of federal jurisdiction.

- (c) If a party responds in bad faith to any of the above-described discovery requests thus requiring otherwise unnecessary pleadings or proceedings, such party may be subject to sanctions under applicable law for attorney fees and costs incurred in connection with such pleadings and/or proceedings.

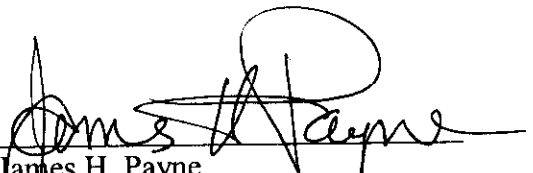
IT IS SO ORDERED this 22nd day of June, 2005.



Claire V. Eagan, Chief
United States District Judge



Terence C. Kern
United States District Judge



James H. Payne
United States District Judge